

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

Masahito Niikawa

Application No.: 09/291,066

Filing Date: April 14, 1999

Group Art Unit: 2612

Examiner: J.M. Hannett

Confirmation No.: 1637

Title: PHOTOGRAPHIC APPARATUS HAVING DISPLAY FOR DISPLAY OF A NETWORK AND NETWORK SYSTEM

AMENDMENT/REPLY TRANSMITTAL LETTER

RECEIVED

JUL 16 2004

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- Terminal Disclaimer(s) and the \$55.00 (2814) \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are _____

- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$385.00 (2801) \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____

on _____, for which continued examination is requested.
- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- No additional claim fee is required.
- An additional claim fee is required, and is calculated as shown below.

| AMENDED CLAIMS | | | | | |
|--|------------------|--|--------------|--------------------|----------------|
| | No. of Claims | Highest No. of Claims Previously Paid For | Extra Claims | Rate | Additional Fee |
| Total Claims | 18 | MINUS 20 = | 0 | x \$18.00 (1202) = | \$ 0.00 |
| Independent Claims | 5 | MINUS 5 = | 0 | x \$86.00 (1201) = | \$ 0.00 |
| If Amendment adds multiple dependent claims, add \$290.00 (1203) | | | | | |
| Total Claim Amendment Fee | | | | | \$ 0.00 |
| <input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee | | | | | \$ 0.00 |
| TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT | | | | | \$ 0.00 |

- A check in the amount of _____ is enclosed for the fee due.
- Charge _____ to Deposit Account No. 02-4800.
- Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

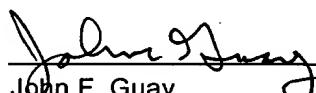
Respectfully submitted,

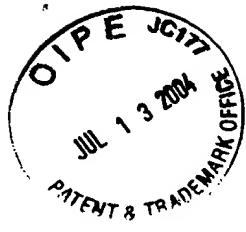
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: July 13, 2004

By


John F. Guay
Registration No. 47,248



**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group No.: 2612**

Patent
Attorney's Docket No. 032567-009

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) MS AF

Masahito NIIKAWA

) Group Art Unit: 2612

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) Examiner: J.M. Hannett

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For: PHOTOGRAPHING APPARATUS
HAVING DISPLAY FOR DISPLAY
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SECOND REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated April 15, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

In the most recent final Office Action, all pending claims 1-18 were rejected under 35 U.S.C. § 103, as being unpatentable over the Fukumitsu et al. patent in view of Cepulis (U.S. Patent No. 6,397,268). This rejection is respectfully traversed.

Independent claim 1 is directed to a photographing apparatus that comprises, among other features, an interface for connecting the photographing apparatus as a peripheral device to a processor that forms a node in a network and a display for displaying a network structure. In connection with these claimed features, the Examiner maintains his interpretation that term "photographing apparatus" broadly encompasses a camera (i.e., CCD camera 18) connected to a computer (i.e., computer 10), as disclosed in the Fukumitsu et al. patent. From this premise, the Office Action acknowledges that the Fukumitsu et al. patent does not teach a

photographing apparatus connected as a peripheral device to a processor forming a node on a network. (See, page 3, lines 18-19.) The Examiner therefore proposes to modify the Fukumitsu et al. computer/camera combination to include a peripheral component interconnect (PCI) device bus architecture as described in the Cepulis patent. The Examiner contends that because Cepulis teaches a PCI bus in a computer connected to a network adapter (e.g., see Figure 1, the PCI bus 126 and the local network adapter 116), a processor of another computer on a network communicating with the CPU of the camera/computer combination of Fukumitsu would cause the computer/camera combination to become a peripheral device. It is respectfully submitted, however, that the proposed modification of the Fukumitsu et al. computer would not have resulted in the claimed "interface for connecting the photographic apparatus as a peripheral device to a processor that forms a node on the network."

To the contrary, the PCI bus taught in Cepulis is a *local* bus of a computer that is used to connect various peripheral devices, such as a video graphics adapter, modem, SCSI bus adaptors and a network interface (e.g., a LAN adapter) to a computer's CPU host bus. According to Cepulis, a PCI bus is a high-speed *local* expansion bus of the computer (see column 1, lines 53-54). Contrary to the Examiner's allegations, the Cepulis patent does not teach or suggest connecting a computer to another processor that forms on a node of a network *as a peripheral device* by way of a PCI bus. Rather, Cepulis teaches that the CPU of a computer controls peripheral devices (e.g., a network adaptor and a modem installed in PCI slots of the computer) connected to that computer (see, column 1, lines 57-60, column 4, lines 5-7 and column 8, lines 23-25). There is simply no teaching or suggestion in Cepulis that a CPU of one computer is connected by a PCI bus to control a CPU of another computer, as alleged by the Examiner. Indeed, the PCI bus is a *local* bus of a computer that must be in close proximity to the CPU host bus of the computer to achieve high speed communication with the computer's CPU. A computer/computer LAN connection using a PCI bus connection in the context of one of the computers being a peripheral device is not taught in the Cepulis patent. Nor would Cepulis have suggested using such a *local* PCI bus over the relatively long distances encountered in a LAN environment. For instance, Cepulis does not

show or describe any PCI bus on the network 138 (see, Figures 1-3). To the contrary, Cepulis patent describes a “peripheral device” in the context of a device connected to a computer and controlled by the computer’s CPU. Hence, even if one were to consider modifying the computer of Fukumitsu et al. to use the PCI bus of Cepulis, it is respectfully submitted that the Cepulis patent would serve to reinforce the plain, ordinary meaning of the term “peripheral device” as it is known in the art and used in the field of the present invention.¹

As explained in Applicant’s March 24, 2004 response, the Examiner’s interpretation of the term “peripheral device” in connection with the Fukumitsu et al. patent is not reasonable in light of its plain, ordinary and well accepted meaning in the field of the present invention. When considering this term in connection with the Fukumitsu et al. patent, the camera 18 would be understood by one skilled in the art to be a peripheral device because it is connected to the computer 10 (via a circuit board of the computer 10) (see, for example, column 3, lines 40-42) and is controlled by the CPU of the computer (see column 1, lines 36-37 and column 3, lines 8-9). Hence, the term photographing apparatus recited in the claims can only be interpreted to read on the CCD camera 18 of Fukumitsu et al., and not the camera/computer combination, as alleged in the Office Action. The Cepulis patent does not change the meaning of the term “peripheral device” to somehow encompass a computer’s CPU connected as a node on a network. By contrast, it appears that Cepulis would perhaps have suggested connecting the CCD camera 18 of Fukumitsu et al. to the CPU of the computer using a PCI bus and bridge. Such modification, however, would not have taught the claimed photographing apparatus connected as a “peripheral device,” within the normal meaning of this term in the art, to a processor that forms a node on a network. Furthermore, the CCD camera 18 of Fukumitsu et al. does not include, among other elements, a display for displaying a network structure, as recited in independent claim 1.

For at least these reasons, the proposed combination of the Fukumitsu et al. and Cepulis patents fails to teach or suggest each and every feature recited in independent claim 1. Accordingly, the rejection fails to establish a *prima facie* case of obviousness.

¹ It was pointed out in Applicant’s response of March 24, 2004, that the meaning given to the term “peripheral device” in the field of the invention is a device, such as a disk drive, printer, modem, or joystick, that is connected to a computer and controlled by the computer’s microprocessor (see, Microsoft Computer

Similar distinctions are set forth in each of independent claims 4, 6, 9 and 11. Hence, these claims also are allowable for the above reasons.

Claims 2, 3, 5, 7, 8, 10 and 12-18 depend from on of independent claims 1, 4, 6, 9 and 11, and therefore are allowable, if for no other reason than each of these claims depend from an allowable independent claim. Additionally, these dependent claims recite combinations of additional features not taught or suggested in proposed combination of documents.

For the foregoing reasons, it is respectfully submitted that all pending claims are patentably distinct from the Fukumitsu et al. and Cepulis patents. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 13, 2004

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